

Appln. No.: 09/754,065
Amendment dated February 9, 2005
Reply to Office Action of December 9, 2004

REMARKS/ARGUMENTS

Upon entry of the present amendment, claims 1-20 and 22-40 will remain pending. Withdrawn claim 21 is canceled without prejudice or disclaimer, and claims 22-28 are amended.

In the Action, claims 1-7, 9-13, 15-19 and 22-40 stand rejected under 35 U.S.C. 102(e) as being anticipated by *Himmel* (U.S. Patent No. 6,167,441); claim 8 stands rejected under 35 U.S.C. 103(a) as being unpatentable over a combination of *Himmel* and *Aviani, Jr. et al.* (U.S. Patent No. 6,532,493); claim 14 stands rejected under 35 U.S.C. 103(a) as being unpatentable over a combination of *Himmel, Aviani, Jr. et al.* and *Mason et al.* (U.S. Pub. No. 2002/0026491); and claim 20 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *Himmel* and “logical reasoning.” The Action also noted that a replacement drawing sheet was omitted from the prior amendment (dated September 27, 2004). Applicant responds to the Action as follows.

Replacement Drawing Sheet

Regarding the drawing sheet, the Appendix to this paper includes the replacement drawing sheet that was omitted from the prior amendment.

Finality of the Action

Before turning to the substance of the rejections, Applicant respectfully requests withdrawal of the finality of the Action, because the grounds of rejection applied in the Action are not yet ripe for appeal. Specifically, independent claim 8 stands rejected under 35 U.S.C. 103(a) as being unpatentable over a combination of *Himmel* (U.S. Patent No. 6,167,441) and *Aviani, Jr. et al.* (U.S. Patent No. 6,532,493). This is a new ground of rejection, since the previous Action rejected claim 8 based on *Himmel* alone. The Action alleges that its new

Appln. No.: 09/754,065
Amendment dated February 9, 2005
Reply to Office Action of December 9, 2004

rejections were necessitated by Applicant's September 27 amendment, but that amendment did not change the scope of claim 8. Instead, it simply rewrote formerly dependent claim 8 into independent form by adding the language previously recited in its base independent claim. Applicant respectfully submits that such an amendment is not sufficient to warrant the finality of the Action.

Availability of *Mason et al.* as a Reference

The Action relies on newly-cited *Mason et al.* in rejecting claim 14. This document is unavailable as prior art. It bears a filing date of March 22, 2001, while the present application was filed on January 5, 2001. Although *Mason et al.* purports to be a continuation-in-part of an earlier-filed application (Application Serial No. 09/570,961), and claims priority to that earlier application, the earlier application does not recite the language relied upon in the Action, and appears to be directed towards different teachings. Should the Action continue to apply *Mason et al.* to reject claim 14, applicant requests that the subject matter found in the earlier filed application (09/570,961) be specifically identified.

Independent Claim 1, and Dependent Claims 2-7, 9-13 and 15-20

With regard to independent claim 1, that claim recites, among other features, the following step:

transmitting, from the browser program module, a request for the data to the server, wherein the request includes header information identifying a current setting of a dynamic characteristic of the application requesting the data;

In making its rejection under 35 U.S.C. 102(e), the Action alleges that this exact request is transmitted in the *Himmel* HTTP header. Action, p. 6. To show that the *Himmel* HTTP header

Appln. No.: 09/754,065
Amendment dated February 9, 2005
Reply to Office Action of December 9, 2004

“includes header information identifying a current setting of a dynamic characteristic ...,” the Action cites a latter portion of *Himmel*, which states that web page content can ultimately be modified based on the client device’s “display sizes, color palettes, font or font size.” Action, p. 6, quoting *Himmel*, col. 7, lines 44-53.

In making this rejection, the Action assumes that the *Himmel* “display sizes, color palettes, font or font size” information is included in its HTTP request header information (cited to show the claimed request header information). There is no basis for this assumption. Indeed, the only client device information included in *Himmel*’s HTTP request header is the browser and operating system type/version. *See, e.g. Himmel*, col. 5, lines 55-56. Other information (such as the display size, color palette and font information cited in the Action) is obtained using the snooper agent (a separate program, not included in the request, which is downloaded to the requesting computer and reports back its findings in a separate communication); and a web page interface, neither of which are taught or suggested to be included in the cited HTTP request header. *See, e.g., Figs. 4* (client information 163 is shown separate from *Himmel*’s HTTP request) and 6 (web page interface), and col. 8, lines 19-29 (web page interface used if snooper agent fails, also not included in the cited HTTP request). *Himmel* lacks any teaching or suggestion of the claimed step of transmitting, “wherein the request includes header information identifying a current setting of a dynamic characteristic of the application requesting the data,” as recited in claim 1.

For at least the reasons set forth above, Applicant submits that amended independent claim 1 distinguishes over the art of record. Dependent claims 2-7, 9-13 and 15-20 depend from claim 1, and are allowable for at least the same reasons as claim 1, and further in view of the

Appln. No.: 09/754,065
Amendment dated February 9, 2005
Reply to Office Action of December 9, 2004

various advantageous and novel features recited therein. For example, claim 7 recites the method of claim 1, wherein said header information identifies a locale setting of said application. The Action cites *Himmel* col. 9, lines 28-30 to show this feature. However, the cited portion merely states that locale information “is usually present in the operating system and can be effectively snooped,” and says nothing about including such information in a request’s header information, as recited in claim 7.

Independent Claim 8

Independent claim 8 recites, among other features, the step of “transmitting, from the browser program module, a request for the data to the server, wherein the request includes header information identifying a characteristic of the application; … wherein said header information identifies a characteristic of a network condition.”

In making the rejection under 35 U.S.C. 103(a), the Action concedes that *Himmel* fails to teach or suggest such header information, and relies on newly-cited *Aviani, Jr., et al.* to address this deficiency. *Aviani, Jr., et al.* relates generally to data caching, and the portions cited by the Action describe how a client may issue a request for data, and the *Aviani, Jr., et al.* caching system checks the HTTP request to see if the request can be serviced by a registered server. *Aviani, Jr., et al.*, col. 8, lines 10-65. “If the traffic corresponds to an entry in the register service provider list, the specific client/server pair as identified in the HTTP header is added to the bypass list for future redirection (508).” col. 8, lines 50-52 (emphasis added). The *Aviani, Jr. et al.* header identifies a specific client/server pair, but lacks a teaching or suggestion that this header identifies a characteristic of a “network condition,” as recited in claim 8. As such, the combination of *Himmel* and *Aviani, Jr.,* even if proper, does not result in the claim 8 invention.

Appln. No.: 09/754,065
Amendment dated February 9, 2005
Reply to Office Action of December 9, 2004

Independent Claim 22, and Dependent Claims 23-33

Applicant has amended independent claim 22 to recite as follows:

A method for providing information on the Internet, comprising the steps of:

- a) receiving, from a browser program module, a request for a web page;
- b) examining said received request for header information identifying said web browser;
- c) examining said received request for header information identifying a status of a user-configurable setting for an application for which said web browser sent said request;
- d) transmitting a response to said browser program module, wherein said response includes a version of said web page in accordance with said status
- e) receiving, from said browser program module, information indicating that said status of said user-configurable setting has been changed; and
- f) automatically transmitting a second version of said web page to said program module, said second version differing from said first version in accordance with said change in said status of said user-configurable setting.

Applicant respectfully submits that none of the art of record alone or in combination teaches or suggests such a method. For example, none of the references teaches or suggests a method including the steps of “examining said received request for header information identifying a status of a user-configurable setting for an application for which said web browser sent said request;” “receiving, from said browser program module, information indicating that said status of said user-configurable setting has been changed; and automatically transmitting a

Appln. No.: 09/754,065
Amendment dated February 9, 2005
Reply to Office Action of December 9, 2004

second version of said web page to said program module, said second version differing from said first version in accordance with said change in said status of said user-configurable setting.”

Applicant submits that claim 22 distinguishes over the art of record, and is in condition for allowance for at least the aforementioned reasons. Claims 23-33 depend from claim 22, and are allowable for at least the same reasons as claim 22 and further in view of the additional advantageous features recited therein.

Independent Claims 34 and 38, and Dependent Claims 35-37 and 39

Independent claims 34 and 38 recite a “request includes header information identifying a current setting of a dynamic characteristic” and a “request including header information identifying a current setting of a dynamic characteristic” of an application. The Action relies on *Himmel* to reject these claims as being anticipated. As discussed above with respect to claim 1, *Himmel* fails to teach or suggest any request having such header information identifying a current setting of a dynamic characteristic. For at least these reasons, independent claims 34 and 38 distinguish over the art of record. Dependent claims 35-37 and 39 are allowable for at least the same reasons as their independent base claims, and further in view of the various advantageous and novel features recited therein.

Independent Claim 40

And last, but not least, independent claim 40 recites, among other features, the following:

wherein said Internet request includes header information identifying a characteristic of a display area used by an application operating on said processor of said user device;

The Action relies on the *Himmel* “client device characteristics” to show this feature. As discussed above, *Himmel* does not teach or suggest that the quoted “display sizes” are identified

Appln. No.: 09/754,065
Amendment dated February 9, 2005
Reply to Office Action of December 9, 2004

by the *Himmel* HTTP request header. Instead, the *Himmel* header identifies browser version and operating system version, and the cited display size information is obtained via a snooper agent or web page query to the user. Accordingly, *Himmel* lacks a teaching or suggestion of all the elements of claim 40.

Conclusion

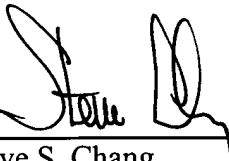
In conclusion, Applicant respectfully requests reconsideration and withdrawal of the finality of the Action and the rejections therein, and submits that claims 1-20 and 22-40 distinguish over the art of record and are in condition for allowance. However, if additional amendment and/or discussion would be helpful, the Examiner is invited to telephone Applicant's undersigned representative at the number appearing below.

Respectfully submitted,

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